

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jui-Cheng, CHANG

Application No.: 10/725,022

Filed: December 2, 2003

For: THIN TYPE SPEAKER HAVING A DAMPER

Art Unit: 2646

Examiner: Suhan Ni

Washington, D.C.

Atty.'s Docket: CHANG=190

Confirmation No.: 2609

Date: November 3, 2005



Customer Service Window, **Mall Stop Amendment**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, 401 Dulany Street
Alexandria, Virginia 22314

Sir:

Transmitted herewith is a PRELIMINARY AMENDMENT AND REMARKS in the above-identified application.

☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☒ No additional fee is required.

☐ The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	* 9	MINUS	** 20	0	x 25	\$		x 50	\$
INDEP.	* 2	MINUS	*** 3	0	x 100	\$		x 200	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 180	\$		+ 360	\$
					ADDITIONAL FEE TOTAL	\$	OR	TOTAL	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 60.00
☐ Second - \$ 225.00
☐ Third - \$ 510.00
☐ Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 120.00
☐ Second - \$ 450.00
☐ Third - \$ 1020.00
☐ Fourth - \$ 1590.00

Month After Time Period Set

☐ Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$_____.

☐ A check in the amount of \$_____ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By: _____

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: CHANG=190

In re Application of:)	Confirmation No.: 2609
)	
Jui-Cheng CHANG)	Art Unit: 2646
)	
Appln. No.: 10/725,022)	Examiner: Suhan Ni
)	
Filed: December 2, 2003)	November 3, 2005
)	
For: THIN TYPE SPEAKER HAVING)	
A DAMPER)	

REPLY TO SPECIES ELECTION REQUIREMENT

Customer Service Window, Mail Stop Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Replying to the election of species Office Action mailed October 4, 2005, applicant hereby respectfully and provisionally elects species I, Fig. 1, presently claims 1-6, with traverse and without prejudice.

Applicant does not deny that the species may indeed be patentably distinct from one another. Nevertheless, applicant believes that the species are sufficiently similar so that an examination of both species can be carried out without "serious burden".

Insofar as is known, there is no separate classification. According to MPEP 803, second paragraph, an

Appln. No. 10/725,022
Amd. dated November 3, 2005
Reply to Office Action of October 4, 2005

examiner is **required** to examine an entire application, even though the requirement is correct, if it would not constitute a "serious burden" to do so.

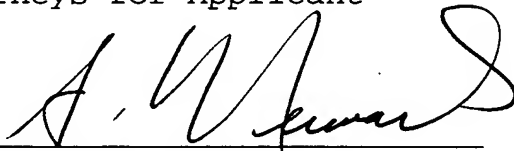
Even if the Examiner disagrees regarding how serious the burden might be to search and examine both species, applicant respectfully notes that examiners have considerable discretion in examining plural inventions in a single application. Thus, if the Examiner disagrees with applicant's position as expressed above that there would be no "serious burden", applicant nevertheless requests the Examiner to exercise discretion and examine both species in view of their similarity.

Withdrawal of the requirement and examination of all the claims on the merits are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By


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